

Remarks

Claims 1-5 and 13-18 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the claims include claim terms that have no antecedent basis.

Claims 1-12, 17, and 20 are rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,625,747 to Tawil et al. in view of U.S. Patent No. 6,925,528 to Selkirk et al. Claims 15, 16, 18, and 19 are rejected under 35 U.S.C. § 103(a) as being obvious over Tawil. Claims 13 and 14 are rejected under 35 U.S.C. § 102(e) as being anticipated by Tawil.

Claim 15 has been cancelled herein. The limitations of claim 15 have been incorporated into claim 13. As such, claims 13 and 14 now include claim elements that the examiner previously rejected on obviousness grounds on the basis of Tawil in view of Selkirk.

Statement Concerning Common Ownership

The Tawil reference may not be used in the Section 103(a) rejection of the present application. Subject matter that is developed by another person that qualifies as prior art only under 35 U.S.C. § 102(e) cannot be used as the basis of a rejection when the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See 35 U.S.C. § 103(c). As provided in the Manual of Patent Examining Procedure:

Effective November 29, 1999, subject matter which was prior art under former 35 U.S.C. 103(a) via 35 U.S.C. 102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention “were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.”

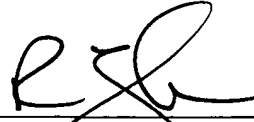
MPEP § 706.02(l)(1) (quoting 35 U.S.C. § 103(c)). In this instance, subject matter, *i.e.*, the Tawil reference, and the present invention were owned by and subject to an obligation of assignment to the same entity, Dell Products L.P., at the time of the present invention. The Nunn reference is assigned of record to Dell Products L.P. at Reel 010939 and Frame 0794 and Reel 012034 and Frame 0184. The present invention is also assigned as of record to Dell Products L.P. This assignment is recorded at Reel 012633 and Frame 0075. As such, the Nunn reference cannot be used as the basis of a rejection against the claims of the present invention.

Without making any representation as to the merits of a rejection involving a combination of the Tawil reference and the Selkirk reference, the applicants submit that Selkirk alone does not suggest or disclose the claims of the present invention, as evidenced by the necessity of combining the Selkirk reference with a second reference for the sake of the obviousness rejection of the pending claims. As such, the rejection of claims 1-14 and 16-20 under 35 U.S.C. § 103 should be withdrawn.

Conclusion

Applicants respectfully submit that the rejection of claims 1-14 and 16-20 should be withdrawn and that these claims should be passed to issuance.

Respectfully submitted,



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